

REMARKS

Claims 1-6 are pending in the application. Claims 4 and 5 are withdrawn from consideration as being directed to a non-elected invention. In the final Office Action dated April 30, 2007, the Examiner made the following disposition:

- A.) Rejected claims 1 and 6 under 35 U.S.C. §102(e) as allegedly being anticipated by *Applicant's Background Art in Figures 11, 12A-C, and 13 ("Applicant's Background Art.")*
- B.) Rejected claims 1 and 6 under 35 U.S.C. §102(b) as allegedly being anticipated by *Wang, et al. ("Wang.")*
- C.) Rejected claims 1, 3, and 6 under 35 U.S.C. §102(b) as allegedly being anticipated by *Nguyen, et al. ("Nguyen.")*
- D.) Rejected claims 2 and 3 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Wang*.

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

- A.) Rejection of claims 1 and 6 under 35 U.S.C. §102(e) as allegedly being anticipated by *Applicant's Background Art in Figures 11, 12A-C, and 13 ("Applicant's Background Art")*:

Applicant respectfully disagrees with the rejection.

Referring to Figure 11 as an illustrative Example, Applicant's claim 1 claims a micromachine comprising one or more protective films 11 disposed on a first electrode 7b and a support electrode 7c. A band-shaped vibrator electrode 15 comprises (a) a vibrating part 16 overlaying the second electrode 7a and end parts. The vibrating part 16 is spaced apart from the second electrode 7a with a gap A therebetween. The vibrator electrode 15 is secured to the first electrode 7b and the support electrode 7c. A portion of each end part overlies one of the protective films 11.

This is clearly unlike Applicant's Background Art of Figures 11, 12, and 13, which fails to disclose or suggest a micromachine comprising one or more protective films disposed between both a first electrode and a support electrode and a vibrator electrode, and a gap between the vibrator electrode and a second electrode. Figures 12A-12C show a conventional process for forming a micromachine. As shown, a sacrificial layer 105 is formed between portions of a

vibrator electrode 106 and each of a first electrode 102b, a second electrode 102a, and a support electrode 102c. Thus, Figures 12A-12C fail to teach Applicant's claimed gap between a vibrator electrode and a second electrode.

Figure 11 discloses a gap, but fails to teach one or more protective films disposed between both a first electrode and a support electrode and a vibrator electrode. In Figure 11, the protective film has been *entirely removed*. Thus, Figure 11 also fails to teach both 1) a gap between a vibrator electrode and a second electrode, and 2) one or more protective films disposed between both a first electrode and a support electrode and a vibrator electrode.

For at least these reasons, Applicant's Background Art fails to disclose or suggest claim 1.

Claim 6 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 1 and 6 under 35 U.S.C. §102(b) as allegedly being anticipated by Wang, et al. ("Wang"):

Applicant respectfully disagrees with the rejection.

Applicant's independent claim 1 is described above.

This is clearly unlike *Wang*, which fails to disclose or suggest a vibrating electrode secured to a first electrode and support electrode and having end parts that partially overlie a protective film. Referring to *Wang* Figure 5, *Wang* discloses a resonator beam having end points that are secured to electrodes. Unlike Applicant's claimed invention, nowhere does *Wang* disclose or suggest one or more protective films disposed on its electrodes.

The Examiner argues that *Wang's* anchors teach Applicant's claimed protective layers. Applicant disagrees. *Wang's* anchors are part of *Wang's* vibrator electrode. *Wang's* vibrator electrode does not partially overlie its anchors, let alone anything. Even if one were to interpret *Wang's* anchors as protective layers, *Wang's* vibrator electrode then could not be secured to its first electrode and support electrode and partially overlie its anchors.

Therefore, *Wang* fails to disclose or suggest a vibrating electrode secured to a first electrode and support electrode and having end parts that partially overlie a protective film. For at least this reason, *Wang* fails to disclose or suggest claim 1.

Claim 6 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

C.) Rejection of claims 1, 3, and 6 under 35 U.S.C. §102(b) as allegedly being anticipated by *Nguyen, et al.* (“*Nguyen*”):

Applicant respectfully disagrees with the rejection.

Applicant’s claim 1 is described above.

Claim 1 is clearly unlike *Nguyen*, which fails to disclose or suggest a vibrating electrode secured to a first electrode and support electrode and having end parts that partially overlie a protective film. Referring to *Nguyen* Figure 6, *Nguyen* discloses a resonator having end points that are secured to electrodes. Unlike Applicant’s claimed invention, nowhere does *Nguyen* disclose or suggest one or more protective films disposed on its electrodes.

The Examiner argues that *Nguyen* somehow teaches anchors over which end parts of a vibrating electrode partially overlie. However, *Nguyen* fails to disclose such anchors, let alone a vibrating electrode that partially overlies anchors. This subject matter is simply not discussed in *Nguyen*.

For at least these reasons, *Nguyen* fails to disclose or suggest claim 1.

Claims 3 and 6 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

D.) Rejection of claims 2 and 3 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Wang*:

Applicant respectfully disagrees with the rejection.

Independent claim 1 is allowable over *Wang* as discussed above. Claims 2 and 3 depend directly or indirectly from *Wang* and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-3 and 6 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

Dated: July 30, 2007

By: /Christopher P. Rauch/ Reg. 45,034
Christopher P. Rauch
SONNENSCHNEIDER, NATH & ROSENTHAL LLP
P.O. Box #061080
Wacker Drive Station - Sears Tower
Chicago, IL 60606-1080
Telephone 312/876-2606
Customer #26263
Attorneys for Applicant(s)